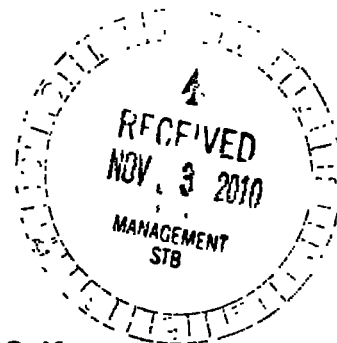




Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191



FEE RECEIVED

NOV 03 2010

Daniel G. Kruger
Attorney

Direct Dial Number
(757) 533-4939
fax (757) 629-2607
email: Daniel.Kruger@nscorp.com

TRANSPORTATION BOARD

November 2, 2010

via UPS Next Day Air

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

ENTERED
Office of Proceedings

NOV 03 2010

Part of
Public Record

228112

FILED

NOV 03 2010

**SURFACE
TRANSPORTATION BOARD**

Re: STB Docket No. AB-290 (Sub-No. 318X)
Norfolk Southern Railway Company – Abandonment;
STB Docket No. AB-1059X
Georgia Midland Railroad Company - 228113
Discontinuance of Service and Operating Rights;
Crawford County, Georgia - Notice of Exemption

Dear Ms. Brown:

Enclosed for filing with the Board in the subject docket are an original and ten copies of Norfolk Southern Railway Company's and Georgia Midland Railroad Company's Verified Notice of Exemption. Also enclosed are checks totaling \$7,200.00 for the filing fees.

ENTERED
Office of Proceedings

NOV 03 2010

Part of
Public Record

Yours very truly,

Daniel G. Kruger

Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-290 (SUB-NO. 318X)
NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT EXEMPTION --

CRAWFORD COUNTY, GEORGIA

DOCKET NO. AB-1059X

GEORGIA MIDLAND RAILROAD COMPANY

-- DISCONTINUANCE OF SERVICE AND OPERATING RIGHTS EXEMPTION --

CRAWFORD COUNTY, GEORGIA

VERIFIED NOTICE OF EXEMPTION

Daniel G. Kruger, Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510
(757) 533-4939
**Attorney for
Norfolk Southern Railway Company**

Thomas F. McFarland, Attorney
208 South LaSalle Street, Suite 1890
Chicago, IL 60604
(312) 236-0204
**Attorney for
Georgia Midland Railroad Company**

Dated: November 2, 2010

**Before the
Surface Transportation Board**

**Docket No. AB-290 (Sub-No. 318X)
Norfolk Southern Railway Company
-- Abandonment Exemption --
Crawford County, Georgia**

**Docket No. AB-1059X
Georgia Midland Railroad Company
-- Discontinuance of Service and Operating Rights Exemption --
Crawford County, Georgia**

Verified Notice of Exemption

COMES NOW Norfolk Southern Railway Company (NSR) and Georgia Midland Railroad Company (GMR), collectively "railroads," and file this joint notice of exemption from regulation under 49 U.S.C. §10903, pursuant to the provisions of 49 U.S.C. §10502 and 49 CFR §1152.50, for NSR's abandonment and GMR's discontinuance of service and operating rights under a lease over a 5.06-mile line of railroad lying between Milepost FV 90.44 and Milepost FV 95.50 in Roberta, Crawford County, Georgia (the "Line").

Pursuant to the Board's regulations codified at 49 CFR §1152.50, NSR and GMR state as follows:

Traffic Certification - §§1152.50(b) and (d)(2)

As the attached certificates of NSR General Manager R. A. Bartle and GMR President Brad Lafevers confirm, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this Line within the two-year period prior to the filing date of this Notice of Exemption.

Consummation Date - §1152.50(d)(2)

The effective date of NSR's abandonment and GMR's discontinuance of service and operating rights under a lease over a 5.06-mile line of railroad lying between Milepost FV 90.44 and Milepost FV 95.50 in Roberta, Crawford County, Georgia, will be December 22, 2010.

General Corporate Information - §1152.22(a)(1-2) and (7)

The full names of the parties filing this Notice of Exemption are Norfolk Southern Railway Company, and Georgia Midland Railroad Company. NSR is a common carrier by railroad subject to STB jurisdiction under Title 49 of the United States Code, Subtitle IV, Chapter 105. GMR is a Class III carrier under 49 CFR Part 1201 1-1(d).

NSR's representative to whom correspondence with respect to this Notice of Exemption may be sent is:

Daniel G. Kruger, Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510
(757) 533-4939

GMR's representative to whom correspondence with respect to this Notice of Exemption may be sent is:

Brad Lafavers, President
Georgia Midland Railroad
908 Elm Avenue
Americus, GA 31709
(229) 924-7662

Description of the Line and the Relief Sought - §1152.22(a)(3-4 and 7)

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon and GMR to discontinue service and operating right under a lease over the subject line. The line that will be subject to abandonment under the exemption consists of 5.06 miles of track between mileposts FV 90.44 and FV 95.50 in Roberta, Crawford County, Georgia. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Code 31078.

Suitability of the Line for Other Public Purposes - §1152.22(e)(4)

NSR is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes but will

provide full title information promptly if it receives a proposal to acquire the property for public purposes.

Statement Concerning Federally-Granted Right-of-Way - §1152.50(d)(1)

Based on information in the possession of NSR and GMR, the Line does not contain federally-granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Labor Protection - §1152.50(d)(2)

Since the Line has been out of service for over two years, the railroads believe no employees will be adversely affected by the abandonment and discontinuance of service and operating rights over this Line. However, as a condition to granting the exemption and exercise of the abandonment and discontinuance permitted in this matter, the railroads will accept the imposition of standard labor protective conditions as set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - §1105.6, §1105.7, §1105.8, §1105.9 and §1105.11

Attached is a combined environmental and historical report prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.


Service and Newspaper Notice Requirements Certification - §1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that the service and notice requirements of §1152.50(d)(1)(certain governmental agencies) and §1105.12 (newspaper notice) have been complied with.


Conclusion

For the foregoing reasons, NSR and GMR state that the proposed abandonment and discontinuance of service and operating rights under a lease over the subject rail Line is exempt from the prior approval requirements of 49 U.S.C. §10903 pursuant to the class exemption set forth in 49 C.F.R. §1152.50 and request that the Board serve the appropriate notice of exemption.

Respectfully submitted,



John H. Friedmann
Vice President
Norfolk Southern Railway Company



Brad Lafeyers
President
Georgia Midland Railroad Company

Of Counsel:

Daniel G. Kruger, Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 533-4939
Attorney for Norfolk Southern Railway Company


Thomas F. McFarland, Attorney
208 South LaSalle Street, Suite 1890
Chicago, IL 60604
(312) 236-0204
Attorney for Georgia Midland Railroad Company

Dated: November 2, 2010

VERIFICATION

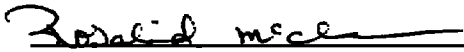
COMMONWEALTH OF VIRGINIA :
SS:
CITY OF NORFOLK :

John H. Friedmann, being duly sworn, deposes and says that he is Vice President of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in STB Docket No. AB-290 (Sub-No. 318X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.



John H. Friedmann
Vice President
Norfolk Southern Railway Company

Subscribed and sworn to before me
this 27th day of October, 2010.



Rosalind McClean
Notary Public

My commission expires:

3/31/2013



[SEAL]

VERIFICATION

STATE OF GEORGIA

CITY/COUNTY OF AMERICUS

SS:

Brad Lafevers, being duly sworn, deposes and says that he is President of Georgia Midland Railroad Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in STB Docket No. AB-1059X on behalf of Georgia Midland Railroad Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.


Brad Lafevers
President
Georgia Midland Railroad Company

Subscribed and sworn to before me
this 30th day of Sept., 2010.

Rubica D. Maloney
Notary Public

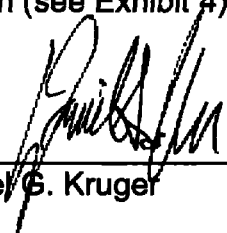
My commission expires:

3-9-2012

[SEAL]

CERTIFICATION

I hereby certify that (1) pursuant to 49 C.F.R. §1105.12, a notice of intent to abandon and discontinue rail service and operating rights was published in *The Georgia Post*, Roberta, Georgia, on October 7, 2010, (see Exhibit 3); and (2) that the notice required by 49 C.F.R. §152.50(d)(1) was given (see Exhibit 4).



Daniel G. Kruger

Dated: November 2, 2010

CERTIFICATION

STATE OF GEORGIA:

SS:


CITY OF ATLANTA:

R. A. Bartle makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company; that the line between milepost FV 90.44 and milepost FV 95.50 in Roberta, Crawford County, Georgia, over which service is to be discontinued, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years; that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



R. A. Bartle

Subscribed and sworn to before me
this 24th day of AUGUST, 2010.



Notary Public

My commission expires:

WILBUR L. ADAMS, JR.
NOTARY PUBLIC, HENRY COUNTY, GA
MY COMMISSION EXPIRES SEPT. 28, 2010

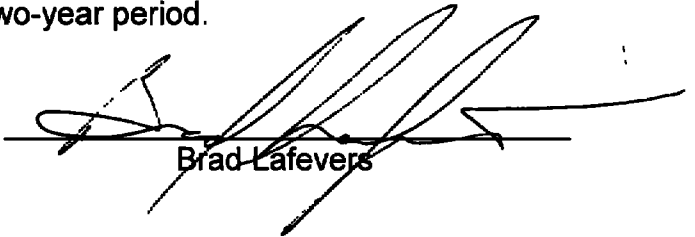
CERTIFICATION

STATE OF GEORGIA :

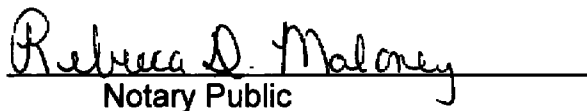
ss:

CITY/COUNTY OF Americus :

Brad Lafevers makes oath and says that he is President of Georgia Midland Railroad Company; that the line between milepost FV 90.44 and milepost FV 95.50 in Roberta, Crawford County, Georgia, over which operating rights are to be discontinued, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years; that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.


Brad Lafevers

Subscribed and sworn to before me
this 20th day of Sept, 2010.


Notary Public

My commission expires:

3-12-2010

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served by first-class mail postage pre-paid, on the following parties, on November 2, 2010:

Chairman
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, GA 30334-9052


Mr. Harvey Kepler, Administrator
Office of Intermodal Programs
Georgia Department of Transportation
2 Capital Square, S.W.
Atlanta, GA 30334

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

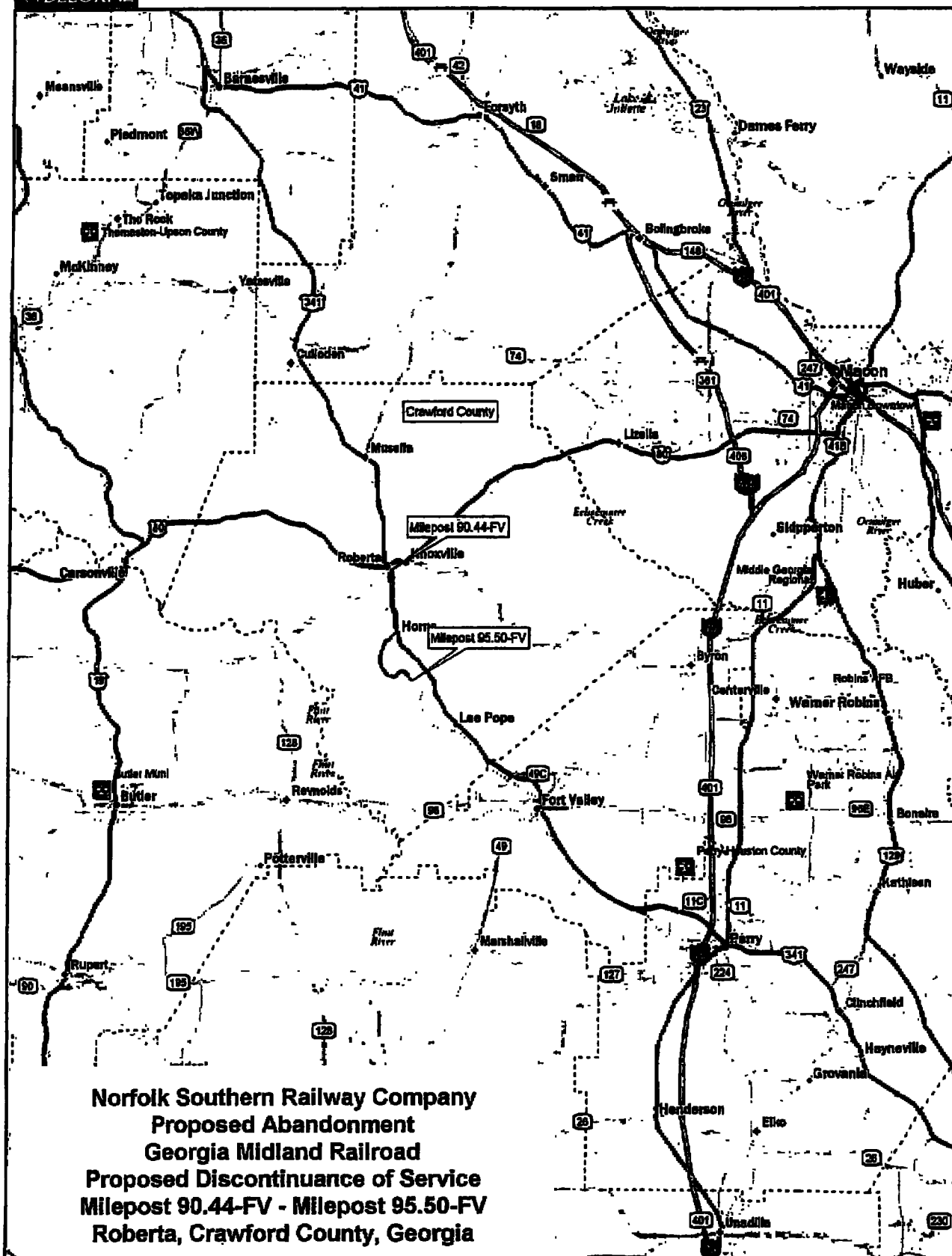
Regional Director - National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

Chris Lehnertz, Acting Associate Director
U.S. Dept. of Interior - National Park Service
Cultural Resources, Room 3126
1849 C Street, NW
Washington, DC 20240

United States Dept. of Defense – SDDCTEA
Railroads for the National Defense Program
709 Ward Drive, Bldg. 1900, Room 2E264
Scott AFB, IL 62225



Daniel G. Kruger



**Norfolk Southern Railway Company
Proposed Abandonment
Georgia Midland Railroad
Proposed Discontinuance of Service
Milepost 90.44-FV - Milepost 95.50-FV
Roberta, Crawford County, Georgia**

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EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORT

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 318X)

**NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT**

AND

STB DOCKET NO. AB- 1059X

**GEORGIA MIDLAND RAILROAD COMPANY
PROPOSED RAIL LINE DISCONTINUANCE OF SERVICE
AND OPERATING RIGHTS**

**BETWEEN MP 90.44-FV and MP 95.50-FV,
IN ROBERTA, CRAWFORD COUNTY, GEORIGIA**

Combined Environmental and Historic Report

**June 8, 2010
Revised August 31, 2010**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 318X)

**NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT**

AND

STB DOCKET NO. AB- 1059X

**GEORGIA MIDLAND RAILROAD COMPANY
PROPOSED RAIL LINE DISCONTINUANCE OF SERVICE
AND OPERATING RIGHTS**

**BETWEEN MP 90.44-FV and MP 95.50-FV,
IN ROBERTA, CRAWFORD COUNTY, GEORGIA**

Combined Environmental and Historic Report

Norfolk Southern Railway Company (NSR) and Georgia Midland Railroad Company (GMR) (collectively "railroads") jointly submit this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service and operating rights under a lease over 5.06 miles of rail line between railroad mileposts 90.44-FV and 95.50-FV in Roberta, Crawford County, Georgia.

The Combined Environmental and Historic Report served on June 8, 2010, listed Georgia Southern Railway Co. (GASR) as co-applicant. It has subsequently been determined that Georgia Midland Railroad Company (GMR) should be the co-applicant with NSR in this proceeding rather than GASR. This substitution of applicants does not affect any other aspect of this report.

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: Norfolk Southern Railway Company (NSR) proposes to abandon and Georgia Midland Railroad Company (GMR) proposes to discontinue service and operating rights under a lease over 5.06 miles of rail line between railroad milepost 90.44-FV and railroad milepost 95.50-FV in Roberta, Crawford County, Georgia. The line proposed for abandonment has been out of service for many years.

Following abandonment and discontinuance of service, the line segment will be salvaged. The alternatives to abandonment and discontinuance of service over the line are to not abandon or discontinue service over the line and retain the track in place. These alternatives are not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached as **Appendix A**. The railroads' letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: An outline of future land use plans has been requested from the Crawford County Commissioners and from the Mayor of Roberta. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans. Copies of comments received from the Georgia State Clearinghouse and the Middle Georgia Regional Commission are attached in **Appendix C**.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service. A copy of their response is attached in **Appendix C**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: Consultation was requested from the Georgia Department of Natural Resources, Coastal Resources Division. In their response, a copy of which is attached in **Appendix C**, they state that Crawford County is not within Georgia's coastal zone.

(iv) If the proposed action is an abandonment state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: NSR may not have fee title to the entire right of way underlying the line proposed for abandonment; therefore, NSR may not have a contiguous corridor available for public use.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line in over two years.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air.

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected

increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded. Crawford County, Georgia is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency, with the exception of particulate matter (2.5), 1-Hr ozone and 8-Hr ozone.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater.*

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety. Moreover, the closing of three at-grade crossings on the segment to be abandoned enhances public safety by eliminating distractions to

vehicular traffic crossing the line. These crossings are at Zenith Mill Road, Avera Road and Cactus Hill Road.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: The railroads have no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. A copy of their response is attached in **Appendix C**.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: There are no plans to remove or alter the contour of the roadbed underlying the rail line to be abandoned. This line segment crosses two waterways. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation has been requested from the Georgia Department of Natural Resources and from the United States Environmental Protection Agency. In their response, a copy of which is attached in **Appendix C**, the Georgia Department of Natural Resources, Watershed Protection Branch, states that the project has no impact upon the activities of the organization.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: This line segment crosses two waterways. The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible

effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers. A copy of their response is attached in **Appendix C**.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: This line segment crosses two waterways. There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the Environmental Protection Agency and from the Georgia Department of Natural Resources. In their response, a copy of which is attached in **Appendix C**, the Georgia Department of Natural Resources, Watershed Protection Branch, states that the project has no impact upon the activities of the organization.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment and discontinuance of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. The railroads will undertake all reasonable mitigation associated with these activities to

assure the abandonment and discontinuance does not produce adverse environmental impacts.

Additional Information - National Geodetic Survey Marker

Attached in **Appendix C** is a response from the National Geodetic Survey that states that approximately two (2) geodetic survey marks may be located in the area described and if the marks will be disturbed by the abandonment, the railroad shall consult with NGS at least 90 days prior to beginning salvage activities.

HISTORIC REPORT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon and Georgia Midland Railroad Company (GMR) (collectively "railroads") proposes to discontinue service and operating rights under a lease over 5.06 miles of rail line between railroad milepost 90.44-FV and railroad milepost 95.50-FV in Roberta, Crawford County, Georgia. The line proposed for abandonment has been out of service for many years.

Following abandonment and discontinuance of service, the line segment will be salvaged. The alternatives to abandonment and discontinuance of service over the line are to not abandon or discontinue service over the line and retain the track in place. These alternatives are not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Georgia Historic Preservation Division, Department of Natural Resources.

(2) **Written Description of Right of Way** – The right-of-way width is 60 feet on each side of the main track centerline, between railroad milepost 90.44-FV and railroad milepost 95.50-FV, a distance of 5.06 miles. The line passes through a rural area.

Pursuant to Surface Transportation Board (STB) policy, the railroad right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.

(3) **Photographs** – Photographs of the bridges were furnished to the Georgia Department of Natural Resources, Historic Preservation Division.

(4) **Date of Construction of Structures** – See the Bridge List attached to this report.

(5) **History of Operations and Changes Contemplated** - The line of railroad that is the subject of the related notice to the STB is a 5.06-mile segment of rail line between Mileposts 90.44-FV and 95.50-FV in Roberta, Crawford County, Georgia. It is part of a larger line segment between Roberta and Fort Valley, GA.

This line was originally part of the Atlanta and Hawkinsville Railroad Company, which was incorporated under the general laws of Georgia through petition for incorporation, filed July 9, 1886. Atlanta and Hawkinsville Railroad Company's name was changed to Atlanta and Florida Railroad Company on October 24, 1887.

Atlanta and Florida Railroad Company constructed 102.30 miles of line between Atlanta, GA to Fort Valley, GA in 1888.

Atlanta and Florida Railroad Company was sold at foreclosure, May 2, 1893 and conveyed to Atlanta and Florida Railway Company, June 21, 1895.

Atlanta and Florida Railway Company was incorporated under the general laws

of Georgia through petition for incorporation, filed June 8, 1893.

Atlanta and Florida Railway Company was sold at foreclosure, June 4, 1895, and conveyed to Southern Railway Company, June 21, 1895.

Southern Railway Company continued to operate the 15 mile Roberta – Fort Valley, GA line until 1990 when it was leased to the Ogeechee Railway for operation pursuant to authorization of the Interstate Commerce Commission in Finance Docket No. 31490. Ogeechee subsequently transferred the operation of the line to the Georgia Midland Railway in 2004. The original lease expired in 2009, however the lease renewal did not include the portion of the line which is the subject of this abandonment. Georgia Midland Railway was sold to Georgia Southern Railway Company, a division of Pioneer RailCorp of Peoria, Illinois, on December 16, 2009 (STB Finance Docket No. 35323, *Pioneer Railcorp – Continuance in Control Exemption – Georgia Southern Railway Co.*)

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation control of Norfolk and Western Railway Company, headquartered in Roanoke, Virginia, and Southern Railway Company, headquartered in Washington, DC with a substantial number of its offices also in Atlanta, Georgia, and their subsidiaries. Under approval granted by the Interstate Commerce Commission in ICC Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation – Control – Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway

Company and Southern Railway Company on June 1, 1982. In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two studies of the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, Va.: The Norfolk and Western Railway Co., 1981) and *Burke Davis, The Southern Railway: Road Of The Innovators* (Chapel Hill, N.C.: University of North Carolina Press, 1985). Numerous books have been published to chronicle the history of the Pennsylvania Railroad. Two examples are: Burgess and Kennedy, *Centennial History of the Pennsylvania Railroad Company 1846-1946* (published by The Pennsylvania Railroad Company, 1949) and Timothy Jacobs, *The History of the Pennsylvania Railroad* (Smithmark Publishers, Inc., 1995).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Crawford County was formed by an act of the Georgia General Assembly on December 9, 1822 from part of Houston County. The county was named for William Harris Crawford, U. S. Senator and Secretary of the Treasury. The 2000 Census showed a population of 12,495.

Roberta, Georgia is an incorporated place in Crawford County. The community was named after the daughter of Hiram McCrary, railroad station agent. As of the 2000 Census, Roberta had a population of 808.

The change contemplated in the operation of the subject 5.06 mile segment in Roberta, Crawford County, Georgia is for Georgia Midland Railroad Company to discontinue its operation via lease and for Norfolk Southern Railway Company to abandon the subject dormant line of railroad and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic - While plans may be available for the structures on the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – NSR believes that neither the structures on the line nor the line itself meet the criteria for listing in the *National Register of Historic Places*. There are only two structures along the line that are 50 years old or older – both bridges that are short in length and of ordinary design and construction. NSR believes that there is nothing

distinguishing these bridges from others in the region or on the NSR system generally. In addition, NSR has no reason to believe that there are archaeological resources or historic properties on or immediately adjacent to the line.

In preparing this report, NSR has consulted with the Georgia Department of Natural Resources – Historic Preservation Division (“HPD”) to facilitate HPD’s Section 106 historic preservation process as it may bear on the subject abandonment. By letter dated June 24, 2010 (attached in **Appendix C**), HPD informed NSR that, in HPD’s view, the proposed abandonment, including the removal of the two bridges, “will result in an adverse effect to historic properties.”

Subsequent to the issuance of this report, NSR responded to HPD’s June 24 letter by way of a letter dated August 11, 2010 (attached in **Appendix C**), questioning the scope and basis of HPD’s adverse effect finding, and inquiring about appropriate mitigation, if any. On August 23 and 24, NSR and Ms. Elizabeth (“Besty”) Shirk of HPD¹ were in contact by telephone to resolve matters surrounding HPD’s June 24 letter and NSR’s August 11 letter. During those consultations, HPD conveyed its interest in the line’s right-of-way as a potential historical corridor, and in the line’s two bridges. HPD advised that *it does not object to the removal of rail, track material, and ties along the line if the line is authorized for abandonment*. Moreover, if no third party should emerge to assume possession and responsibility for the right-of-way corridor for historical and/or recreational purposes, then HPD would not object to NSR’s disposal of the land comprising the right-of-way.

Should no third party come forward to preserve the line's right-of-way (preservation of the corridor, incidentally, would be a preferred, but not mandated, outcome here under HPD policy), then HPD has agreed that NSR may proceed with plans to remove the line's two bridges, provided, however, that NSR must first comply with HPD-prescribed mitigation. HPD has advised that it would require NSR to create a permanent archival record of both bridges and the immediately surrounding area. NSR understands that such a permanent archival record would in this case entail archival quality digital photographic documentation, and supporting narrative text, of the two bridges and the surrounding area produced in accordance with HPD's "Guidelines for Establishing a Photographic Permanent Archival Record" (dated May 26, 2009).

Although NSR is not convinced that the two bridges in question truly possess historic value, NSR has nevertheless informed HPD that it would consent to the requested documentary mitigation, and that it would agree to accept such mitigation as a condition for STB acceptance of the subject abandonment notice of exemption.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

– The railroads are not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment

¹ Betsy Shirk's contact information is listed on the attached June 24 letter from HPD.

and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

(9) **Follow-Up Information** - Additional information will be provided as appropriate.

APPENDIX A

Site Map

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment and Discontinuance of Service and Operating Rights Under a Lease over the segment of rail line between MP 90.44-FV and MP 95.50-FV, a distance of 5.06-miles, located in Roberta, Crawford County, Georgia.

Mr. Eddie Still, Chairman
Crawford County Commissioners
1011 Highway 341 North
Roberta, GA 31078

Mayor Becky Smith
P. O. Box 278
Roberta, GA 31078

Georgia Planning Research and
Evaluation Division
8th Floor
270 Washington Street, SW
Atlanta, GA 30334

United States Army Corps of Engineers
Mobile District
P. O. Box 2288
Mobile, AL 36628

US Fish and Wildlife Service-Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

USDA-NRCS
Federal Building, Box 13
355 East Hancock Avenue
Athens, GA 30601

US EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303


Georgia Dept. of Natural Resources
2 Martin Luther King Jr. Drive, SE
Suite 1252 East Tower
Atlanta, GA 30334

Georgia Dept. of Natural Resources
Coastal Resources Division
One Conservation Way
Suite #300
Brunswick, GA 31520-8687

National Park Service - Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

NOAA -National Geodetic Survey
Geodetic Services Division
Room 9292, NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

Georgia Historic Preservation Division
Department of Natural Resources
34 Peachtree Street
Suite 1600
Atlanta, GA 30303



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

June 8, 2010

**RE: STB Docket No. AB-290 (Sub-No. 318X), Norfolk Southern Railway Company
Abandonment; STB Docket No. AB-1062X, Georgia Southern Railway Co.,
Discontinuance of Service and Operating Rights – in Roberta, Crawford County, Georgia**

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon and Georgia Southern Railway Co. (GASR) (collectively "railroads") proposes to discontinue service over a segment of rail line between Milepost 90.44-FV and Milepost 95.50(FV) distance of 5.06 miles, located in Roberta, Crawford County, Georgia.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

The railroads do not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:


Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Dockets when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', with a long horizontal flourish extending to the right.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

APPENDIX C

Agency Responses



OFFICE OF PLANNING AND BUDGET

Sonny Perdue
Governor

Debbie Dlugolenski
Director

GEORGIA STATE CLEARINGHOUSE MEMORANDUM EXECUTIVE ORDER 12372 REVIEW PROCESS

TO: Kathy Headrick
Strategic Planning Dept.
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510

FROM: Barbara Jackson *BJ*
Georgia State Clearinghouse

DATE: 7/9/2010

PROJECT: STB Docket No. AB-290 (Sub-No. 318X): Norfolk Southern Railway Company
Proposed Rail Line Abandonment and STB Docket No. AB-1062X: Georgia
Southern Railway Co. Proposed Rail Line Discontinuance of Service and Operating
Rights Between MP 90.44-FV and MP 95.50-FV in Roberta, Crawford County, GA

STATE ID: GA100611005

The applicant/sponsor is advised that the Georgia DOT's Office of Intermodal Programs was included in this review but did not comment within the review period. Should they submit comments within the next two weeks, we will forward to you.

The applicant/sponsor is advised to note important comments received from DNR's Historic Preservation Division. Provided that all requests and concerns expressed by the reviewer will be addressed satisfactorily and handled in a timely fashion, the State level review of the above-referenced proposal will have been completed, and the proposal found to be consistent with those state or regional goals, policies, plans, fiscal resources, criteria for Developments of Regional Impact (DRI), environmental impacts, federal executive orders, acts and/or rules and regulations with which the state is concerned.

/bj

Enc.: Middle Georgia RC, June 18, 2010
EPD/WPB, June 16, 2010
DNR/HPD, July 7, 2010

**GEORGIA STATE CLEARINGHOUSE MEMORANDUM
EXECUTIVE ORDER 12372 REVIEW PROCESS**

TO: Barbara Jackson
Georgia State Clearinghouse
270 Washington Street, SW. Eighth Floor
Atlanta, Georgia 30334

FROM: MS. CAROL PAYTON
MIDDLE GEORGIA RC

APPLICANT: Norfolk Southern Corporation

PROJECT: STB Docket No. AB-290 (Sub-No. 318X): Norfolk Southern Railway Company
Proposed Rail Line Abandonment and STB Docket No. AB-1062X: Georgia Southern
Railway Co. Proposed Rail Line Discontinuance of Service and Operating Rights
Between MP 90.44-FV and MP 95.50-FV in Roberta, Crawford County, GA

STATE ID: GA100611005

FEDERAL ID:

DATE:

☒ This notice is considered to be consistent with those state or regional goals, policies, plans, fiscal resources, criteria for developments of regional impact, environmental impacts, federal executive orders, acts and/or rules and regulations with which this organization is concerned.

This notice is not consistent with:

- ☐ The goals, plans, policies, or fiscal resources with which this organization is concerned. (Line through inappropriate word or words and prepare a statement that explains the rationale for the inconsistency. (Additional pages may be used for outlining the inconsistencies. Be sure to put the GA State ID number on all pages).
- ☐ The criteria for developments of regional impact, federal executive orders, acts and/or rules and regulations administered by your agency. Negative environmental impacts or provision for protection of the environment should be pointed out. (Additional pages may be used for outlining the inconsistencies. Be sure to put the GA State ID number on all pages).

☐ This notice does not impact upon the activities of the organization.

NOTE: Should you decide to FAX
this form (and any attached pages),
it is not necessary to mail the
originals to us. [770-344-3568]

RECEIVED

JUN 18 2010

GEORGIA
STATE CLEARINGHOUSE

Form SC-3
Sep. 2009



Natural Resources Conservation Service
355 East Hancock Avenue
Athens, GA 30601

October 21, 2009

Marcellus C. Kirchner
Norfolk and Southern Corporation
Three Commercial Place
Norfolk, Virginia, 23510-2191

RE: Docket No AB-290 (Sub-No. 318X), Norfolk Southern Railway Company - Abandonment –
in Roberto, Crawford County, Georgia

Dear Mr. Kirchner:

This is in reference to your request for information on the location of any possible impacts on the proposed rail abandonment on Prime Farmland.

There are both Prime and Statewide Important Farmland in the rail abandonment area. Prime farm is of major importance in meeting the nation's short and long range needs for food and fiber. Prime farm land has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops.

Statewide important farmland is determined by the appropriate state agencies. In the case of Georgia, the Governor has deferred this determination to the USDA-Natural Resources Conservation Service. Soils classified as statewide important nearly meet the requirements for prime farmland, economically producing high yields of crops when treated and managed according to acceptable farming methods.

Due to the fact that Norfolk has stated that existing public and access roads or no land disturbance will be needed to facilitate the removal of the railway, there is no impact to soils in the area or additional land measures required to complete the rail abandonment.

If you require further information please contact, Edward Ealy, State Soil Scientist, NRCS, Athens, GA at 706-546-2278.

Sincerely,


JAMES E. TILLMAN, SR.
State Conservationist

Enclosure

cc: Ray Jones, District Conservationist, NRCS, Fort Valley, Georgia
Natasha Brown, Assistant State Conservationist, NRCS, Americus, GA



CHRIS CLARK
COMMISSIONER

A.G. "SPUD" WOODWARD
DIRECTOR

June 14, 2010

Ms. Kathy Headrick
Coordinator – Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

RE: STD Docket No. AB-290 (Sub-No. 318X), Norfolk Southern Railway Company
Abandonment; STB Docket No. AB-1062X, Georgia Southern Railway co.,
Discontinuance of Service and Operating Rights – in Roberta, Crawford County, Georgia

Dear Sir or Madam:

Staff of the Georgia Coastal Management Program has reviewed your June 8, 2010 letter and supporting documentation to abandon and discontinue service over a segment of rail line between milepost 90.44-FV and Milepost 95.50 FV, for a distance of 5.06 miles, located in Roberta, Crawford County, Georgia.

Georgia's coastal management area includes the 11 coastal counties and does not extend into Crawford County. The activity proposed above is not likely to have impacts on coastal resources or uses and is therefore consistent with the Program.

Please feel free to contact Kelie Moore of me if we may be any further assistance.

Sincerely,

A.G. "Spud" Woodward
Director

RECEIVED OCT 14 2009

RECEIVED

Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

OCT 19 2009

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

October 9, 2009

ATHENS, GA
USFWS

U. S. Fish and Wildlife Service
105 Westpark Drive, Suite D
Athens, GA 30606
706-613-9493 Fax 706-613-6059

FWS Log No.

NG-10-62
Cron

U. S. Fish and Wildlife Service
Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

Based upon available information, Federally listed species are not likely to occur on the project site.

Sandra S. Tucker
Sandra S. Tucker, Field Supervisor

11/23/09
Date

RE: Docket No AB-290 (Sub-No. 318X), Norfolk Southern Railway Company -
Abandonment - in Roberta, Crawford County, Georgia

Dear Sir/Madam:

Norfolk Southern Railway Company is considering the abandonment of, and Georgia Midland Railroad is considering the discontinuance of service over, 5.06 miles of rail line between Milepost 90.44-FV and Milepost 95.50-FV in Roberta, Crawford County, Georgia. A map is included delineating the area under consideration.

There are no bridges on the rail segment and the line crosses no waterways. During the removal of track and materials, if any, Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the Norfolk Southern right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed. During the removal of track and materials, if any, any debris or other material will be removed from the area, preventing any of the material from entering waterways. Norfolk Southern will also take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways.

Should Norfolk Southern abandon and Georgia Midland discontinue service over the rail segment, the approval of the Surface Transportation Board is required. In addition, Federal Regulations 49 C.F.R. 1105.7 (8i) and (8ii) require Norfolk Southern to address the following statements:

- (i) "Based on consultation with the U.S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects."
- (ii) "State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects."

NG-10-62-CRM

**GEORGIA STATE CLEARINGHOUSE MEMORANDUM
EXECUTIVE ORDER 12372 REVIEW PROCESS**

TO: Barbara Jackson
Georgia State Clearinghouse
270 Washington Street, SW, Eighth Floor
Atlanta, Georgia 30334

FROM: MS. LINDA MACGREGOR
GA DNR WATERSHED PROTECTION BRANCH

APPLICANT: Norfolk Southern Corporation

PROJECT: STB Docket No. AB-290 (Sub-No. 318X): Norfolk Southern Railway Company
Proposed Rail Line Abandonment and STB Docket No. AB-1062X: Georgia Southern
Railway Co. Proposed Rail Line Discontinuance of Service and Operating Rights
Between MP 90.44-FV and MP 95.50-FV in Roberta, Crawford County, GA

STATE ID: GA100611005

FEDERAL ID:

DATE: 6/16/10

- ☐ This notice is considered to be consistent with those state or regional goals, policies, plans, fiscal resources, criteria for developments of regional impact, environmental impacts, federal executive orders, acts and/or rules and regulations with which this organization is concerned.

This notice is not consistent with:

- ☐ The goals, plans, policies, or fiscal resources with which this organization is concerned. (Line through inappropriate word or words and prepare a statement that explains the rationale for the inconsistency. (Additional pages may be used for outlining the inconsistencies. Be sure to put the GA State ID number on all pages).
- ☐ The criteria for developments of regional impact, federal executive orders, acts and/or rules and regulations administered by your agency. Negative environmental impacts or provision for protection of the environment should be pointed out. (Additional pages may be used for outlining the inconsistencies. Be sure to put the GA State ID number on all pages).



This notice does not impact upon the activities of the organization.

NOTE: Should you decide to FAX
this form (and any attached pages),
it is not necessary to mail the
originals to us. [770-344-3568]

RECEIVED

JUN 16 2010

STATE CLEARINGHOUSE

Form SC-3
Sep. 2009



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
PIEDMONT BRANCH
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

REPLY TO
ATTENTION OF:

April 16, 2010

Regulatory Division
SAS-2009-01343

Norfolk Southern Corporation
Strategic Planning - 12th Floor
Attention: Mr. Kathy Headrick
Three Commercial Place
Norfolk, Virginia 23510-2191

Dear Ms. Headrick:

I refer to our previous letter, dated December 23, 2009, referencing the abandonment and discontinuance of service over 5.06 miles of rail line between Milepost 90.44-FV and Milepost 95.50-FV. Please consider this letter null and void. I also refer to your recent submittal, dated February 18, 2010, which details the discovery of two bridges which span over waterways along the existing rail line within the project corridor. The general coordinates to the project corridor are at latitude 33° 53' 12.3" north and longitude 84° 25' 38.1" west. The project site is located parallel and west of US Highway 341, south of Roberta, Crawford County, Georgia. The project has been assigned number SAS-2009-01343. Please refer to this number in any future correspondence concerning this matter.

Tracks and materials will be removed from the existing rail lines and the project will not require access roads, fill activity or dredging operations as a result of this project. Public and private access roads will be provided and the Norfolk Southern right-of-way will be utilized to facilitate these abandonment activities. The underlying roadbed will not be disturbed and debris collected will be removed from the area, preventing any of the materials from entering waterways. At the bridge locations identified within the project corridor, the bridges may also be removed.

After reviewing the information provided, we have determined that the proposed project will not impact any waters of the United States. Since the work within the project corridor will not result in impacts to any areas of jurisdictional streams and/or wetlands as a result of abandoning the rail line and removal of the existing tracks and materials, we have determined that no Department of the Army Permit will be required for the proposed work under Section 404 of the Clean Water Act (33 USC 1344).

This communication does not convey any property rights, either in real estate or material, or any exclusive privileges. It does not authorize any injury to property or invasion of rights, or any infringement of federal, state, local laws or regulations. It does not obviate the requirement to obtain state or local assent required by law for the activity described herein. It does not affect your liability for damages that may be caused by the work, nor does it authorize any interference with any existing or proposed federal project.

If this information you have submitted, and on which the US Army Corps of Engineers has based its determination is later found to be in error, this decision may be revoked.

Revisions to your proposal may invalidate this determination. Should your plans change, or you encounter wetland areas during your construction, please contact this office so that we may determine if Department of the Army Authorization is required.

Thank you in advance for completing our Customer Survey Form. This can be accomplished by either completing the enclosed Customer Survey Form and returning it to the address shown above or visiting our website at [www.sas.usace.army.mil/Regulatory 1.htm](http://www.sas.usace.army.mil/Regulatory%201.htm) (See Customer Survey) and completing the survey on-line. We value your comments and appreciate your taking the time to complete a survey each time you have interaction with our office. If you have any further questions or concerns pertaining to this matter, please call Mr. Joseph Rivera, Regulatory Specialist, of the Regulatory Division at (678) 422-6571.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan J. Miller", written in a cursive style.

Alan J. Miller
Chief, Permits Section
Piedmont Branch

Enclosures

Headrick, Kathy, C

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Wednesday, June 16, 2010 4:40 PM
To: Headrick, Kathy, C
Cc: Kirchner, Marc C.; Surface Transportation Board; Surveyorlady@yahoo.com; Gilbert Mitchell; Simon Monroe
Subject: [Fwd: NGS Response, STB Docket AB-290 (SUB NO. 318X)+AB-1062X]

Thank you for sharing your railroad abandonment environmental report for Roberta, Crawford County, GEORGIA.

Approximately 02 geodetic survey marks may be located in the area described. If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station marks are described on the attached file. Additional advice is provided at <http://geodesy.noaa.gov/marks/railroads/>

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GEORGIA

DEPARTMENT OF NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION

CHRIS CLARK
COMMISSIONER

DR. DAVID CRASS
DIVISION DIRECTOR

June 21, 2010

Barbara Jackson
Georgia State Clearinghouse
270 Washington Street, SW, Eighth Floor
Atlanta, Georgia 30334

RE: STB Docket No. AB-290(Sub-No.318X): Norfolk Southern Railway Co. Proposed Rail Line Abandonment & STB Docket No. AB-1062X: Georgia Southern Railway Co. Proposed Rail Line Discontinuance of Service & Operating Rights Between MP 90.44-FV and MP 95.50-FV, Roberta
Crawford County, Georgia
GA-100611-005

Dear Ms. Jackson:

The Historic Preservation Division (HPD) has reviewed the information provided. Our comments are offered to assist the Surface Transportation Board (STB) and Norfolk Southern Railway Company (NSR) in complying with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the information provided, HPD finds that no archaeological resources that are listed in or eligible for listing in the National Register of Historic Places (NRHP) will be affected by the proposed project, as defined in 36 CFR Part 800.4(d)(1). However, we will need additional information to complete our review for historic structures in the proposed project's area of potential effects (APE). Please provide photographs of the two bridges identified in the documentation. Please note that reference is made in the Combined Environmental and Historic Report to photographs and information concerning these bridges that was provided by separate submittal to HPD; however, we have no record that we received this information.

We look forward to receiving the additional information. Please note our new address. Please refer to project number GA-100611-004 in any future correspondence regarding this undertaking. If you have any question or if we may be of further assistance, please do not hesitate to contact me at (404) 651-6624 or via email at elizabeth.shirk@dnr.state.ga.us.

Sincerely,

Elizabeth Shirk
Environmental Review Coordinator

cc: Kathy Headrick, NSR, Kathy.headrick@nscorp.com
Kristi Harpst, Middle Georgia RC

RECEIVED

JUN 21 2010

GEORGIA
STATE CLEARINGHOUSE



HISTORIC PRESERVATION DIVISION

CHRIS CLARK
COMMISSIONER

DR. DAVID CRASS
DIVISION DIRECTOR

June 24, 2010

Barbara Jackson
Georgia State Clearinghouse
270 Washington Street, SW, Eighth Floor
Atlanta, Georgia 30334

RE: STB Docket No. AB-290(Sub-No.318X): Norfolk Southern Railway Co. Proposed Rail Line Abandonment & STB Docket No. AB-1062X: Georgia Southern Railway Co. Proposed Rail Line Discontinuance of Service & Operating Rights Between MP 90.44-FV and MP 95.50-FV, Roberta
Crawford County, Georgia
GA-100611-005

Dear Ms. Jackson:

The Historic Preservation Division (HPD) has received additional information concerning the above referenced undertaking. Our comments are offered to assist the Surface Transportation Board (STB) and Norfolk Southern Railway Company (NSR) in complying with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the information provided, HPD finds that no archaeological resources that are listed in or eligible for listing in the National Register of Historic Places (NRHP) will be affected by the proposed project, as defined in 36 CFR Part 800.4(d)(1). Regarding historic structures, HPD finds that the rail line (originally Atlanta and Hawkinsville Railroad) and the two bridges should be considered eligible for inclusion in the National Register of Historic Places (NRHP) under Criterion A and Criterion C. Furthermore, it is our opinion that the project as proposed, which includes removal of the two bridges, will result in an adverse effect to historic properties located within the subject project's area of potential effect (APE).

When an adverse effect to a historic property is found, the federal agency must notify the Advisory Council on Historic Preservation and consult with the State Historic Preservation Officer on ways to avoid, minimize or mitigate the adverse effect. HPD would be glad to work with NSR mitigate the adverse effect if alternatives are not feasible.

Please refer to project number GA-100611-004 in any future correspondence regarding this undertaking. If you have any question or if we may be of further assistance, please do not hesitate to contact me at (404) 651-6624 or via email at elizabeth.shirk@dnr.state.ga.us.

Sincerely,

Dr. David Crass
Division Director,
Deputy State Historic Preservation Officer

DCC/ECS

cc: Kathy Headrick, NSR, Kathy.headrick@nscorp.com
Kristi Harpst, Middle Georgia RC

53

RECEIVED

JUL 07 2010

STATE CLEARINGHOUSE

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE (202) 663-7820
FACSIMILE (202) 663-7849

Robert A. Wimbish

(202) 663-7824 (Direct Dial)
E-Mail: rwimbish@bakerandmiller.com

August 11, 2010

Dr. David Crass
Division Director, Deputy State Historic Preservation Officer
Georgia Department of Natural Resources
Historic Preservation Division
245 Washington Street, SW
Ground Level
Atlanta, GA 30334

RE: *Norfolk Southern Railway Company – Abandonment Exemption – In Crawford County, GA, STB Docket No. AB-290 (Sub-No. 318X); and Georgia Midland Railroad, Inc. – Discontinuance of Service Exemption – In Crawford County, GA, STB Docket No. AB-1059X*

Historic Preservation Division Project Number GA-10061-004

Dear Dr. Crass:

I am writing on behalf of my client, Norfolk Southern Railway Company ("NSR"), to request additional information and guidance concerning your letter of June 24, 2010, to Barbara Jackson of the Georgia State Clearinghouse (attached), in which you discuss the above-referenced rail line abandonment proceeding, which NSR will soon be initiating at the Surface Transportation Board ("STB"). Your letter states that the Georgia Department of Natural Resources, Historic Preservation Division ("HPD") has concluded that NSR's proposed rail line abandonment in Crawford County would result in an adverse effect to historic properties. I would like to confer with you regarding the basis for HPD's adverse impact finding, the scope of any such impact, and to discuss appropriate mitigation, if any.

As background, NSR owns the subject 5.06-mile rail line (the "Line") extending between mileposts 90.44-FV and 95.50-FV in Roberta, Crawford County. Another railroad, Georgia Midland Railroad, Inc. ("GMR"), possesses a legal obligation to provide common carrier service

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Dr. David Crass
August 11, 2010
Page 2 of 3

over the Line.¹ Because the Line has been out of service for several years, NSR has decided to seek STB authorization pursuant to a "notice of exemption" process to abandon the Line. Once NSR obtains the requisite exemption, it will salvage the Line's rail and related track material, and remove the Line's two bridges. In order for NSR to carry out the proposed abandonment, GMR must also obtain an STB-issued exemption to discontinue its legal obligation to provide service over the Line and thereby to terminate its tenancy. For this reason, GMR is participating as necessary in this process.

As a precursor to filing its abandonment notice of exemption, NSR's Kathy Headrick supplied HPD with a "Combined Environmental and Historic Report" ("E&HR"), including, among other things, photographs of the Line's two bridges. Following a period of consultation with various agencies usually contacted in connection with proposed rail line abandonments, NSR plans to file an updated E&HR with the STB, thereby effectively initiating the formal abandonment process, and NSR expects roughly 20 days thereafter jointly to file with GMR the appropriate abandonment and discontinuance notices of exemption. As you know, Ms. Headrick furnished HPD with the E&HR to ensure that the STB (the lead agency in acting on NSR's abandonment request) will be able to comply with its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended.

In response to the E&HR, HPD evidently has determined that the entire Line, including its two bridges, should be considered eligible for inclusion in the National Register of Historic Places ("NRHP") under Criterion A and C. Your June 24 letter on behalf of HPD states that the contemplated abandonment and related salvage activities would result in an "adverse effect to historic properties located within the proposed project's area of potential effect."

As you will recall, NSR provided HPD with substantial information regarding the Line's history in the E&HR. On the basis of the information at its disposal, NSR concluded that the proposed abandonment would have no adverse impact on historic resources, and it still believes that this is so. NSR's opinion stems from its understanding that the Line has no ties to historically important events, and that the track and the two bridges lack engineering or design significance. For example, the two bridges on the line are standard design timber trestles of modest size, and appear to have no historical value.

Evidently, HPD has a different opinion of the matter, but it is unclear why HPD has determined that the entire Line might be eligible for NRHP designation under either Criterion A (association with historical events) or Criterion C (distinctive physical characteristics). Again, NSR believes that no portion of the Line possesses historical value, and that the Line would not qualify for inclusion in the NRHP. For this reason, it would be very helpful for us to know the basis for HPD's view that the entire rail line is historically significant, and its determination that the proposed rail line salvage activities would affect historic properties.

¹ NSR previously informed you that another company, Georgia Southern Railway Co. ("GASR"), possesses operating rights over the Line, but we have since determined that this is not the case. Accordingly, GMR will have a role in the proposed abandonment process, not GASR.

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Dr. David Crass

August 11, 2010

Page 3 of 3

Perhaps you could supply me with additional information substantiating HPD's adverse effect finding, and explaining HPD's policy considerations behind that finding. Assuming that HPD upholds its current assessment, then NSR must consult with the STB and with HPD regarding the appropriate level of historic mitigation, if any, that must be undertaken before salvage activities may commence. As you know, the STB in cases such as this normally will confer with the state historic preservation office to determine what additional documentation the railroad should supply to the state to satisfy the STB's mitigation obligations under Section 106. Such mitigation, as a general matter of STB policy, would not preclude NSR ultimately from salvaging its out-of-service rail assets.

If HPD holds to its opinion that the proposed abandonment would have an adverse effect on historic properties, please advise me of the documentation that HPD will require as mitigation. As you undoubtedly can appreciate, NSR would like to move forward with the subject rail line abandonment process, including the STB's analysis of the environmental and historic impacts of the proposed abandonment (and appropriate mitigation). It is therefore very important to NSR that any historical mitigation be addressed expeditiously and in accordance with STB practice and policy. With this in mind, I hope that you and I can discuss the subject rail line abandonment very soon. Also, I would invite you as soon as possible to confer with the STB's Section of Environmental Analysis to consider the appropriate scope of mitigation, if any, that may be warranted in connection with the proposed rail line abandonment. In that regard, I would invite you to contact the STB's Mr. Kenneth Blodgett at (202) 245-0305, or Victoria Rutson (Chief of the STB's Section of Environmental Analysis) at (202) 245-0295.

It would be quite helpful for you and I to discuss NSR's proposed abandonment by telephone, and, as may be appropriate, to involve the STB in such discussions. Again, I hope that, in accommodating the interests of all concerned, we can confer about this matter soon. My contact information is listed atop this letter.

Sincerely,



Robert A. Wimbish

Counsel for Norfolk Southern Railway Company

Attachment

cc: Marc Kirchner (NSR)
Kathy Headrick (NSR)
Dan Kruger, Esq. (NSR)
Victoria Rutson (STB)
Kenneth Blodgett (STB)

APPENDIX D

Norfolk Southern Railway Company Abandonment in Roberta, Crawford County, GA

Bridge List

Milepost	Bridge Type	Deck construction	Length in Feet	Date Constructed
90.80-FV	Timber	Timber	160	1925
94.10-FV	Timber	Timber	160	1913

**Combined Environmental and Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. §1105.7(b) and 49 C.F.R. §1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket Nos. AB-290 (Sub-No. 318X) and AB-1062X was mailed via first class mail on June 8, 2010, to the following parties:

Mr. Eddie Still, Chairman
Crawford County Commissioners
1011 Highway 341 North
Roberta, GA 31078

Mayor Becky Smith
P. O. Box 278
Roberta, GA 31078

Georgia Planning Research and
Evaluation Division
8th Floor
270 Washington Street, SW
Atlanta, GA 30334

United States Army Corps of Engineers
Mobile District
P. O. Box 2288
Mobile, AL 36628

US Fish and Wildlife Service-Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

USDA-NRCS
Federal Building, Box 13
355 East Hancock Avenue
Athens, GA 30601

US EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Georgia Dept. of Natural Resources
2 Martin Luther King Jr. Drive, SE
Suite 1252 East Tower
Atlanta, GA 30334

Georgia Dept. of Natural Resources
Coastal Resources Division
One Conservation Way
Suite #300
Brunswick, GA 31520-8687

National Park Service - Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

NOAA -National Geodetic Survey
Geodetic Services Division
Room 9292, NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

Georgia Historic Preservation Division
Department of Natural Resources
34 Peachtree Street
Suite 1600
Atlanta, GA 30303



Marcellus C. Kirchner

June 8, 2010

AFFIDAVIT OF PUBLISHER

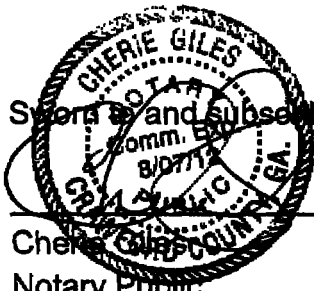
Personally appeared before me, the undersigned officer duly authorized to administer oaths in said county and state, B. Victoria Simmons, who, having been duly sworn, deposes and says on oath that she is the editor of THE GEORGIA POST, that as such she is authorized to make the affidavit and that the attached notice was published in THE GEORGIA POST, a local newspaper of general circulation in Crawford County,

Georgia on 10/7/, 2010.

This 8th day of October, 2010.

B. Victoria Simmons

B. Victoria Simmons
General Manager/Editor



Sworn to and subscribed before me this

8th day of October, 2010.

Cherie Giles
Notary Public

My commission expires August 7, 2012

**NOTICE OF INTENT TO ABANDON
RAIL SERVICE
AND TO DISCONTINUE SERVICE AND
OPERATING RIGHTS**

Norfolk Southern Railway Company (NSR), and Georgia Midland Railroad Company (GMR), give notice that on or about November 3, 2010, they intend to file with the Surface Transportation Board (STB), Washington, DC 20423 a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting the abandonment and discontinuance of service and operating rights under a lease over a 3.6-mile line of railroad between milepost FV 44 and milepost FV 95.50, which traverses through United States Postal Service ZIP Code 31078 in Roberta, Crawford County Georgia. The proceeding will be docketed as No. AB-290 (Sub-No. 318X) as to NSR and No. AB-1059X as to GMR.

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA) which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at 202-245-0256.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 395 E Street, S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)] and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance, Government Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicants' representatives: Daniel G. Kruger, Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241 (757) 533-4939 and Thomas F. McFarland, Attorney for Georgia Midland Railroad Company, 208 South LaSalle Street, Suite 183C, Chicago IL 60604 (312) 236-0204.

Dated:

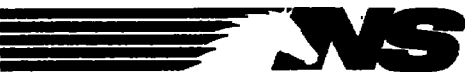


Exhibit 4

Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Daniel G. Kruger
Attorney

(757) 533-4939

October 20, 2010

Mr. Chuck Eaton, Chairman
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, Georgia 30334

Mr. Harvey Kepler, Administrator
Office of Intermodal Programs
Georgia Department of Transportation
2 Capitol Square, S.W.
Atlanta, Georgia 30334

Regional Director
National Park Service-Southeast Region
100 Alabama Avenue, S.W.
Atlanta, GA 30303

Chris Lehnertz, Acting Associate Director
U. S. Department of the Interior
National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Ave., SW
Washington, DC 20250-0003

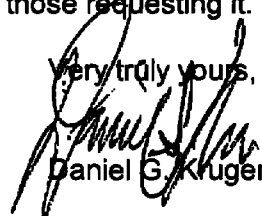
U. S. Dept. of Defense (SDDCTEA)
Railroads for National Defense Program
709 Ward Drive
Bldg. 1990, Room 2E264
Scott AFB, IL 62225

Re: STB Docket No. AB-290 (Sub-No. 318X)
Norfolk Southern Railway Company – Abandonment;
STB Docket No. AB-1059X, Georgia Midland Railroad Company -
Discontinuance of Service and Operating Rights;
Crawford County, Georgia - Notice of Exemption

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) and Georgia Midland Railroad Company (GMR) hereby give notice that on or about November 3, 2010, they will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of and GMR's discontinuance of service and operating rights over a 5.06-mile line of railroad lying between milepost FV 90.44 and milepost FV 95.50 in Crawford County, Georgia (see attached map). No revenue traffic has originated or terminated or moved overhead on the line for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,



Daniel G. Kruger

DGK:kch
Enclosure